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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,927	01/29/2002	Masanori Takeuchi	218958US2	3757

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MCALLISTER, STEVEN B

ART UNIT PAPER NUMBER

3627

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,927

Applicant(s)

TAKEUCHI ET AL.

Examiner

Steven B. McAllister

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) 1-9, 19-21 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 10-18 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 4/23/2002.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-12, 15, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Fano (6,317,718).

Fano shows data communication means for communicating from a portable terminal (comprising e.g., a wireless communications transceiver in the wireless PDA/phone); data reception means for communicating with the portable terminal (e.g., remote transceivers); and objective execution means comprising at least one remote computer for processing the objective action.

As to claim 11, Fano shows a product sales data processing apparatus.

As to claim 12, Fano shows that the data communication means allows accessing of the data processing apparatus by the portable terminal while operating business menu.

As to claim 15, Fano shows that data for processing comprising user information is stored in the portable device.

As to claims 17 and 18, Fano shows a transmission means capable of transmitting a program performing all claimed steps.

Claims 10-12, and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Treyz et al (6,587,835).

Treyz et al show all elements of claims 10-15.

As to claim 16 is noted that Treyz et al show establishing exclusive communication between the portable terminal and the data receiving means, since it shows using the portable device in purchasing via a kiosk, or vending machine, and these types of interactions can inherently only deal with one user at a time (e.g., col. 10, lines 10-25).

As to claims 17 and 18, Treyz shows a transmission means capable of transmitting a program performing all claimed steps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fano.

Fano shows purchasing a ticket via the portable terminal, but is silent as to fulfillment. It does not explicitly show that the objective action is ticket printing or that the processing system comprises a printer. However, it is notoriously old and well known in the art to print a ticket via the seller's printer. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Fano by providing for printing the ticket via a printer in order to provide the ticket to the buyer.

As to claims 17 and 18, Fano shows a transmission means capable of transmitting a program performing all claimed steps.

Claims 13, 14, 16, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al.

Treyz et al show purchasing a ticket via the portable terminal, but is silent as to fulfillment. It does not explicitly show that the objective action is ticket printing or that the processing system comprises a printer. However, it is notoriously old and well known in the art to print a ticket via the seller's printer. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Treyz by providing for printing the ticket via a printer in order to provide the ticket to the buyer.

Alternatively to the 102 rejection above, Treyz et al show all limitations of the claim except providing exclusive communication. However, to do so is notoriously old

and well known in the art. It would be obvious to one of ordinary skill in the art to provide exclusive communication in order to avoid confusion (for instance having two individuals purchasing a ticket from a vending machine at the same time.)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven B. McAllister

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Primary Examiner
Art Unit 3627

A handwritten signature in black ink, appearing to read "S B McAllister".

Steven B. McAllister

STEVE B. MCALLISTER
PRIMARY EXAMINER